

Department of Environmental Protection and Resource Management
105 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.72060

Matthew Powers
Sandra Powers

3706 Redgrove Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on January 13, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 12-3-106, failure to remove feces daily on residential property known as 3706 Redgrove Road, 21220.

On December 15, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on November 23, 2009 for unsanitary conditions and requesting daily removal of animal feces. This Citation was issued on December 15, 2009.

B. Notes in the file from Inspector Frink state that her inspection on November 23, 2009 found numerous piles of feces in the yard of this residential property, and that she talked with Respondent Sandra Powers and explained the requirement of daily cleanup of animal feces. The case was closed on December 1 after the property was cleaned up. Re-inspection on December 15, 2009 found approximately ten piles of dog feces in the yard, and this Citation was issued. Photographs in the file show numerous large piles of dog feces in this small yard. Re-inspection on January 11, 2010 found numerous piles of feces in the side yard.

C. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$50.00 (fifty dollars) if the violation is corrected by February 15, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

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IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 25th day of January 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

MZF/jaf